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PTO/SB/31 (04-05)

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)  
**GENITOP-06499**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  
on August 19, 2005

Signature M. Ellen Waite  
Typed or printed name **Mary Ellen Waite**

In re Application of **Dan W. Denney, Jr.**

Application Number **09/925,664** Filed **08/09/2001**

For Methods And Compositions For Perioperative Genomic Profiling

Art Unit **1642** Examiner **C. Yaen**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ 250.00

☒ A check in the amount of the fee is enclosed. **08/24/2005 AKELECH1 00000003 09925664**

☐ Payment by credit card. Form PTO-2038 is attached. **01 FC:2401 250.00 OP**

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-1290. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

☐ applicant/inventor.  
☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

Mary Ann Brow  
Signature  
**Mary Ann Brow**  
Typed or printed name

☒ attorney or agent of record. **42,363**  
Registration number

**608/218-6900**  
Telephone number

☐ attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34.

**August 19, 2005**  
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**PATENT**

Attorney Docket No. **GENITOPE-06499**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Dan W. Denney  
Serial No.: 09/925,664  
Filed: 08/09/01  
Entitled: Vaccine For Treatment Of Lymphoma And Leukemia

Group No: 1642  
Examiner: Yaen, Christopher H.

**TRANSMITTAL OF NOTICE OF APPEAL**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)(1)(i)(A)**

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 19, 2005


By:

  
Mary Ellen Waite

Sir or Madam:

Applicants hereby submit a Notice of Appeal to the Board of Patent Appeals and Interferences in the above-identified patent application.

Dated: August 19, 2005

  
Mary Ann Brow  
Registration No. 42,363

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